

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

BARBARA M. BUSH

Plaintiff

v.

HEAD OF AGENCY, et al.

Defendants

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\* CIVIL ACTION NO. AMD-07-2749

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MEMORANDUM

Plaintiff is detained awaiting disposition of federal criminal charges. *See United States v. Bush*, Criminal No. L-06-0202 (D. Md.). She filed this action on October 9, 2007, seeking review of an alleged Social Security Administration (“SSA”) decision to cease her Supplemental Security Income-Disability payments starting in February 2007 based on an assertion that plaintiff is “imprisoned for the conviction of a crime.” Paper No. 1. Plaintiff seeks damages and reinstatement of benefits. Because she is indigent, plaintiff’s request to proceed *in forma pauperis* shall be granted.

Title 42 U.S.C. § 405(g) provides a statutory basis for challenging the decision of the Commissioner of the SSA in the federal district courts:

Any individual, after any final decision of the Commissioner of Social Security made after a hearing to which he was a party....may obtain a review of such decision [in the federal district court] by a civil action commenced within sixty days after the mailing to him of notice of such decision or within such further time as the Commissioner of Social Security may allow.

Plaintiff indicates that her defense counsel notified SSA that plaintiff has not been convicted of a crime and that, consequently, her benefits should not have been terminated. She does not, however, indicate that she has sought a formal review before SSA and received a final decision from the Commissioner. Because plaintiff has failed to demonstrate that her administrative remedies have been exhausted in a timely fashion and that this complaint was likewise filed in a timely manner, her case shall be dismissed without prejudice. An Order follows.

Date: October 31, 2007

\_\_\_\_\_/s/\_\_\_\_\_  
Andre M. Davis  
United States District Judge